

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INTERNATIONAL CARGO LOSS
PREVENTION INC.,

Plaintiff,

v.

MEDITERRANEAN SHIPPING COMPANY
(USA) INC. and MEDITERRANEAN
SHIPPING COMPANY S.A.,

Defendants.

Case No.: 1:23-cv-01312-JPO

**DECLARATION OF MARK A.
BECKMAN IN SUPPORT OF
DEFENDANTS' MOTION TO
DISMISS**

Pursuant to 28 U.S.C. § 1746, Mark A. Beckman, an attorney duly admitted to practice in the State of New York and in this Court, hereby affirms the following under penalty of perjury:

1. I am a partner with the law firm Gordon & Rees, LLP, counsel for defendants MSC Mediterranean Shipping Company S.A., incorrectly named as Mediterranean Shipping Company S.A., and Mediterranean Shipping Company (USA) Inc. (together "Defendants"). This declaration is submitted in support of Defendants' motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6)

2. MSC SA issued Sea Waybill no. MEDUMQ297290 dated July 29, 2021 (the "MSC Waybill"). Attached hereto and marked Exhibit "1" is a true and correct copy of the MSC Waybill.

3. On September 14, 2022, MSC SA granted Plaintiff a voluntary time extension until December 15, 2022 – 17h00 (CET time) to file any claim regarding the subject cargo.

4. On December 7, 2022, MSC SA granted Plaintiff a voluntary time extension until February 15, 2022 – 17h00 (CET time) to file any claim regarding the subject cargo.

5. On February 15, 2023, MSC SA informed Plaintiff that their claim was barred as of February 15, 2023 – 17h00 (CET time).

6. Attached hereto and marked Exhibit “2” is a true and correct copy of the correspondences between Plaintiff and MSC SA regarding the time extensions.

7. Attached hereto and marked Exhibit “3” is a true and correct copy of the ECF receipt for the filing of Plaintiff’s defective Complaint on February 15, 2023 which shows it was filed at 5:32 p.m. EST.

8. Attached hereto as Exhibits 4 & 5 are true and correct screenshots of the results of a search on Google for “CET time”, Exhibit 4 being the top of the first page, Exhibit 5 being lower down on the same page. The address for the page is on each screenshot, and it was last visited on June 23, 2023.

I declare under penalty of perjury and under the laws of the United States of America that the foregoing is true and correct.

Executed on June 23, 2023, in New York, New York.



MARK A. BECKMAN